FACT SHEET FOR NPDES PERMIT WA-003195-0
SKAGIT HIGHLANDS

This fact sheet is a companion document to National Pollutant Discharge Elimination System (NPDES) Permit No. WA-003195-0. This permit is issued to MVA, Inc., to allow the discharge of stormwater and uncontaminated construction dewatering water associated with construction activity from the Skagit Highlands construction project to tributaries of Trumpeter Creek and Nookachamps Creek. This fact sheet establishes the basis for requirements which are included in the permit.

GENERAL INFORMATION

Applicant:	MVA, Inc. 3801 – 150th Avenue SE, Suite 101 Bellevue, Washington 98006
Site Name and Location:	South of East College Way, north of Division Street, west of the eastern border of Mount Vernon and approximately ½ mile east of Waugh Road Mount Vernon, WA 98273
Type of Facility:	Construction Activity
Receiving Water:	(i) Nookachamps Creek (ii) West Tributary 2 (iii) Thunderbird Creek East Fork (iv) Thunderbird Creek Middle Fork
Water Body ID Number:	(i) WA-03-1017 (ii) WA-03-1017* (iii) WA-03-1017* (iv) WA-03-1017* *Streams without individual Water Body I.D. numbers are assigned the number of the water body it is tributary to.

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INTRODUCTION

The Federal Clean Water Act (FCWA, 1972, and later modifications, 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One of the mechanisms for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System (NPDES) system of permits, which is administered by the Environmental Protection Agency (EPA). EPA has delegated responsibility to administer the NPDES permit program to the state of Washington on the basis of Chapter 90.48 RCW, which defines the Department of Ecology's authority and obligations in administering the wastewater discharge permit program.

Regulations adopted by the state include procedures for issuing permits (Chapter 173-220 WAC), water quality criteria for surface and ground waters (Chapters 173-201A and 200 WAC), and sediment management standards (Chapter 173-204 WAC). These regulations require that a permit be issued before discharge of wastewater to waters of the state is allowed. The regulations also establish the basis for effluent limitations and other requirements which are to be included in the permit. One of the requirements (WAC 173-220-060) for issuing a permit under the NPDES permit program is the preparation of a draft permit and an accompanying fact sheet. Public notice of the availability of the draft permit is required at least thirty (30) days before the permit is issued (WAC 173-220-050). The fact sheet and draft permit are available for review. Details on the public notice procedures are contained in Appendix A of the fact sheet. Definitions for both the permit and fact sheet are contained in Appendix B of the fact sheet.

The draft permit and fact sheet were reviewed by the Permittee. Errors and omissions identified in this review were corrected before going to public notice. After the public comment period has closed, the Department will summarize the substantive comments and the response to each comment. Comments, responses, and the resultant changes to the permit and fact sheet will be summarized in Appendix C. Parties that submit comments will receive a copy of the final permit and fact sheet.

BACKGROUND

DESCRIPTION OF THE PROJECT

Skagit Highlands, a 209-acre residential Planned Unit Development, is located in the city of Mount Vernon, Washington, south of E. College Way (SR 538), north of Division Street, west of the eastern border of Mount Vernon, and approximately ½ mile east of Waugh Road. Development of the project will include clearing and grading and construction activity on approximately 140 acres of the 209-acre site. The project will include construction of stormwater facilities, roads, utilities, and approximately 497 single family detached residences, 227 single-family town homes, and 84 multifamily condominiums. Units will be developed at densities ranging from 4.5 du/acre to 18 du/acre. The development will also contain a small convenience retail center/community building, a neighborhood park abutting the retail center/community building, scattered protected and improved open space areas and trails.

The site includes 65.3 acres of open space (approximately 32 percent of the site) which includes 34 acres of open space and critical areas protected in Native Growth Protection Easements (NGPE), and 31.3 acres of usable parkland, common open space areas and trails. There are a total of 16 wetlands of which five are to be filled; two others will be partially filled for road construction; and one additional wetland will be partially filled in conjunction with a wetland creation/mitigation plan. On-site wetlands and their required buffers will be protected by silt fence during construction. Temporary sediment and erosion control include temporary collection ponds, silt fence, and check dams, until on-site detention facilities will be constructed.

Skagit Highlands will be completed in four major phases. These development phases are as follows:

- Pre-Phase One – Expected timing: 2003 – 2004. On-site clearing of the majority of the site; filling wetlands as required; construction of mitigation for wetland fills; reclamation of the gravel pit; and construction of major infrastructure (roads, arterials, utilities, and stormwater drainage facilities). Off-site improvements will include construction of the sewer improvements/extensions.

- Phase One – Expected timing: 2003 – 2005. On-site construction and mass grading for the 180 dwelling units with associated utilities, roads, and sidewalks; trail connections to the first PUD; park improvements for the fire station. Off-site water main extension on Division Street; sewer hook-up for Fire Station 3; intersection and road frontage improvements for Division Street.

- Phase Two – Expected timing: 2004 – 2008. On-site construction and mass grading for 138 dwelling units (total 318 units with Phase One) with associated utilities, roads, trail connections, and sidewalks; construction of the central neighborhood park improvements; complete roadway connection between College Way and Division Street. Off-site completion of College Way interceptor sewer trunk and continued work on remaining road intersection and frontage improvements.

- Phase Three – Expected timing: 2004 – 2016. On-site construction and mass grading for 490 dwelling units (for a total of 808 units with earlier phases) with associated utilities, roads, trail connections, and sidewalks; construction of retail store and associated parking; complete interrelated trail connections and remaining improvements to common areas; finish work on remaining intersection and frontage improvement.

DESCRIPTION OF THE RECEIVING WATER

The entire Skagit Highlands site is located within the Nookachamps Creek drainage basin. Nookachamps Creek has a total drainage area of approximately 31 square miles at a point near the confluence of the Trumpeter Creek drainage basin, thus the 0.3 square mile project represents approximately one percent of the drainage at this point. State Route (SR) 538 separates the project from Nookachamps Creek. The Skagit River is located approximately 4.5 river miles (RM) downstream of the project. Nookachamps Creek enters the Skagit River near RM 19.

Surface water runoff from the site flows to the north, east, and west via numerous intermittent tributaries. Runoff from approximately 73 acres (35 percent of the site) on the west and northwest sides of the project flows to the Trumpeter Creek system, which is tributary to Nookachamps Creek. Major tributaries include the East Fork of Thunderbird Creek, a tributary to the West Fork of Thunderbird Creek, and West Tributary 2. All three of these tributaries flow through areas of existing residential development downstream of the project site. Channels within the off-site developments have been altered and/or constrained by adjacent residences and stream crossings. The banks are highly subject to erosion, and the resultant deposition has led to citizen complaints of flooding and overbank flows in the recent past. This greatly complicates the issue of stormwater release from the project site, as the system can no longer be counted on to accommodate natural stormflow rates.

Runoff from the remaining 136 acres (65 percent of the site) flows to the northeast to Nookachamps Creek. Runoff and seepage in the northeastern portion of the site is concentrated into at least eight small intermittent drainages that travel distances ranging from 300 to 1,300 feet from their headwaters to culverts under SR-538 (College Way). After passing through the culverts, the tributaries travel down a moderate slope between 300 to 500 feet to Nookachamps Creek.

The attached map describes the location and status of each potential (for all phases) point of discharge. Table 1 summarizes the discharge locations; monitoring stations would exist above and below stream locations influenced by construction discharge.

Table 1. Monitoring Locations for Skagit Highlands Stormwater Discharges

Creek	Monitoring Station Locations	Grid Location	
		Latitude	Longitude
Nookachamps Creek	A	48º 25’ 51” N	122º 16’ 00” W
West Tributary 2	B	48º 25’ 49” N	122º 16’ 53” W
Thunderbird Creek East Fork	C	47º 25’ 35” N	122º 16’ 49” W
Thunderbird Creek Middle Fork	D	48º 25’ 25” N	122º 16’ 49” W

PROPOSED PERMIT LIMITATIONS

Federal and state regulations require that effluent limitations set forth in a NPDES permit must be either technology- or water quality-based. Technology-based limitations are based upon the treatment methods available to treat specific pollutants. Technology-based limitations are set by regulation or developed on a case-by-case basis (40 CFR 125.3, and Chapter 173-220 WAC). Water quality-based limitations are based upon compliance with the Surface Water Quality Standards (Chapter 173-201A WAC), Ground Water Standards (Chapter 173-200 WAC), Sediment Quality Standards (Chapter 173-204 WAC) or the National Toxics Rule (Federal Register, Volume 57, No. 246, Tuesday, December 22, 1992). The more stringent of these two limits must be chosen for each of the parameters of concern. Each of these types of limits is described in more detail below.

TECHNOLOGY-BASED EFFLUENT LIMITATIONS

Discharges of stormwater must meet all applicable provisions of Sections 301 and 402 of the Clean Water Act (CWA). These provisions require control of pollutant discharges to a level equivalent to Best Available Technology Economically Achievable (BAT) for toxic and unconventional pollutants, and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants, and any more stringent limitations necessary to meet water quality standards. In addition, state law requires discharges to apply all known, available, and reasonable methods of prevention and treatment (AKART) to prevent and control the pollution of the waters of the state of Washington. State law also requires any other more stringent limitations necessary to meet all applicable state standards.

The effluent limitations in the permit are narrative other then turbidity, TPH and pH. The permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) which includes Best Management Practices (BMPs) to prevent the pollution of stormwater and to reduce the amount of pollutants discharged. Development of an adequate SWPPP and full implementation of BMPs constitutes implementation of BAT, BCT, and AKART.

The Permittee is required to use the Department of Ecology's *Stormwater Management Manual for Western Washington* (S*WMM*), or an equivalent manual, to make a judgment of which BMPs are necessary to achieve compliance with the BAT and BCT requirements of the CWA, as well as the AKART requirements of state law. The SWPPP must include a description of stabilization and structural practices to be used at the site to minimize erosion and the movement of sediments on and from the site. The SWPPP will be submitted to the Department for review.

The discharge of process wastewater, domestic wastewater, or non-contact cooling water to a storm drain is prohibited. Illicit discharges are not authorized, including spills of oil or hazardous substances, and obligations under state and federal laws and regulations pertaining to those discharges apply.

SURFACE WATER QUALITY-BASED EFFLUENT LIMITATIONS

The stormwater and uncontaminated dewatering discharges associated with construction activity allowed under this permit are subject to all applicable state water quality and sediment management standards. The permit does not authorize the violation of those standards. The Department expects that the selection and implementation of appropriate BMPs outlined in the *SWMM*, or equivalent manuals, will result in compliance with standards for stormwater discharges from construction sites. Erosion and sediment control planning guidance and design criteria for BMPs to control stormwater runoff quantity, erosion and sediments as well as other pollutants are provided in the *SWMM*.

When the construction site is not in compliance with these standards, the Permittee shall take immediate action(s) to achieve compliance by implementing additional BMPs and/or improved maintenance of existing BMPs.

MIXING ZONES

The Water Quality Standards allow the Department of Ecology to authorize mixing zones around a point of discharge in establishing surface water quality-based effluent limits. Both "acute" and "chronic" mixing zones may be authorized for pollutants that can have a toxic effect on the aquatic environment near the point of discharge. The concentration of pollutants at the boundary of these mixing zones may not exceed the numerical criteria for that type of zone. Mixing zones can only be authorized for discharges that are receiving AKART and in accordance with other mixing zone requirements of WAC 173-201A-100.

Mixing zones are sized for the pollutant with the largest potential to violate water quality standards. Stormwater discharges from construction sites have historically resulted in violations of state standards for turbidity due to the release of suspended solids. The following is a summary of the factors that must be considered in determining whether a mixing zone should be authorized for a particular discharge:

(1) A discharger shall be required to fully apply all known available and reasonable methods to prevent and control pollution (AKART) prior to being authorized a mixing zone. In this case, as discussed above, an adequate SWPPP and full implementation are considered compliance with AKART.

(2) Mixing zone determinations shall consider critical discharge conditions.

(3) The mixing zone will not cause a loss of sensitive or important habitat.

(4) Water quality standards will not be violated outside of the boundary of the mixing zone.

(5) The size of a mixing zone and the concentrations of pollutants shall be minimized.

(6) The size of a mixing zone shall consider the following:

The overlap of adjacent mixing zones; discharge and receiving water flow; width of the receiving water; downstream and upstream conditions; and depth of water over the discharge port(s).

A mixing zone has not been specified in the permit. The Department will establish the point of compliance in the receiving water through the review and approval of the Construction Stormwater/Dewatering Monitoring Plan required in Special Condition S3.A. Available dilution and background conditions in the receiving water will be considered. A mixing zone will only be considered when an adequate SWPPP has been prepared and implemented.

SURFACE WATER QUALITY CRITERIA

Applicable criteria are defined in Chapter 173-201A WAC for aquatic biota. In addition, U.S. EPA has promulgated human health criteria for toxic pollutants (EPA, 1992). Pollutants that might be expected in the discharge from construction activity are: turbidity, pH, and petroleum products. The water quality standards for turbidity and pH for Class A waters are:

Turbidity: shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

pH: shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a human-caused variation within a range of less than 0.5 units.

Although there is no specific water quality standard for petroleum products, the hazardous waste rules under RCW 90.56 have been interpreted under RCW 90.48 to disallow visible sheen.

MONITORING REQUIREMENTS

Monitoring, recording, and reporting are required (WAC 173-220-210 and 40 CFR 122.41) to verify that the BMPs are functioning correctly and that the water quality criteria are not being violated in the receiving water

The Permittee is required to submit a Construction Stormwater/Dewatering Monitoring Plan by March 1, 2003, with annual updates on or before March 1st. The purpose of the monitoring plan is to assess compliance with the water quality standards in each water body that will receive stormwater discharge during the following year.

LAB ACCREDITATION

Laboratories used to prepare monitoring data shall be registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Turbidity and pH may be measured in the field with properly calibrated meters.

OTHER PERMIT CONDITIONS

REPORTING AND RECORDKEEPING

The conditions of S4 are based on the authority to specify any appropriate reporting and recordkeeping requirements to prevent and control waste discharges (WAC 173-220-210).

STORMWATER POLLUTION PREVENTION PLAN FOR CONSTRUCTION ACTIVITIES

Special Condition S6 requires a SWPPP for construction activity, including construction dewatering, to be prepared and implemented prior to the commencement of construction activity. The objectives of a SWPPP for construction activities are: 1) Implement BMPs to minimize erosion and sediments from rainfall runoff at construction sites, and to identify, reduce, eliminate, or prevent the pollution of stormwater; 2) Prevent violations of surface water quality, ground water quality, or sediment management standards; 3) Prevent, during the construction phase, adverse water quality impacts including impacts on beneficial uses of receiving water by controlling peak rates and volumes of stormwater at the Permittees outfalls and downstream of outfalls; and 4) Eliminate the discharges of unpermitted process wastewater, domestic wastewater, illicit discharges, and non-contact cooling water to stormwater drainage systems and waters of the state.

A Spill Prevention and Emergency Cleanup Plan shall be included as a section in the SWPPP. BMP S1.80 in Volume IV of Ecology's *Stormwater Management Manual* (*SWMM*) shall be used for guidance in developing this plan.

GENERAL CONDITIONS

General Conditions are based directly on state and federal law and regulations.

Condition G1 requires responsible officials or their designated representatives to sign submittals to the Department. Condition G2 requires the Permittee to allow the Department to access the treatment system, production facility, and records related to the permit. Condition G3 specifies conditions for modifying, suspending, or terminating the permit. Condition G4 requires the Permittee to apply to the Department prior to increasing or varying the discharge from the levels stated in the permit application. Condition G5 prohibits the Permittee from using the permit as a basis for violating any laws, statutes, or regulations. Conditions G6 and G7 relate to permit renewal and transfer. Condition G8 prohibits the reintroduction of removed substances back into the effluent. Condition G9 states that the Department will modify or revoke and reissue the permit to conform to more stringent toxic effluent standards or prohibitions. Condition G10 incorporates by reference all other requirements of 40 CFR 122.41 and 122.42. Condition G11 notifies the Permittee that additional monitoring requirements may be established by the Department. Condition G12 requires the payment of permit fees. Condition G13 describes the penalties for violating permit conditions. Condition G14 states that the permit does not convey any property rights or any exclusive privilege. Condition G15 requires compliance with all conditions of this permit. Condition G16 requires compliance with effluent standards for toxic pollutants. G17 provides under the Clean Water Act that any person who falsifies, tampers with or knowingly renders inaccurate any monitoring device is subject to penalties and/or imprisonment. Condition G18 requires the Permittee to give prior notice to the Department of planned changes to facility production or processes. Condition G19 establishes the requirement to provide advance notification to the Department of anticipated noncompliance. Condition G20 requires the submittal of any relevant facts determined to have been omitted in original permit application. Condition G21 establishes compliance schedule reporting.

PERMIT ISSUANCE PROCEDURES

PERMIT MODIFICATIONS

The Department may modify this permit to impose numerical limitations, if necessary, to meet Water Quality Standards for Surface Waters, Sediment Quality Standards, or Water Quality Standards for Ground Waters, based on new information obtained from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

The Department may also modify this permit as a result of new or amended state or federal regulations.

RECOMMENDATION FOR PERMIT ISSUANCE

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limitations and conditions believed necessary to control toxics, protect human health, aquatic life, and the beneficial uses of waters of the state of Washington. The Department proposes that this proposed permit be issued for five (5) years to coincide with the Skagit/Stillaguamish Water Quality Management Area permit issuance cycle.

REFERENCES FOR TEXT AND APPENDICES

Environmental Protection Agency (EPA)

1992. National Toxics Rule. Federal Register, V. 57, No. 246, Tuesday, December 22, 1992.

1991. Technical Support Document for Water Quality-based Toxics Control. EPA/505/2-90-001.

1985. Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants in Surface and Ground Water. EPA/600/6-85/002a.

1983. Water Quality Standards Handbook. USEPA Office of Water, Washington, D.C.

Washington State Department of Ecology.

1994. Permit Writer's Manual. Publication Number 92-109

APPENDIX A—PUBLIC INVOLVEMENT INFORMATION

The Department has tentatively determined to issue a permit to the Skagit Highlands. The permit contains conditions and effluent limitations which are described in the rest of this fact sheet.

Public Notice of Application (PNOA) was published on September 4, 2001, and September 11, 2001, in the *Skagit Valley Herald* to inform the public that an application had been submitted and to invite comment on the issuance of this permit.

The Department published a Public Notice of Draft (PNOD) on February 2, 2003, in the *Skagit Valley Herald* to inform the public that a draft permit and fact sheet were available for review. Interested persons were invited to submit written comments regarding the draft permit. The draft permit, fact sheet, and related documents were available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the regional office listed below. Written comments were mailed to:

Water Quality Permit Coordinator
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Any interested party may comment on the draft permit or request a public hearing on this draft permit within the thirty (30)-day comment period to the address above. The request for a hearing shall indicate the interest of the party and reasons why the hearing is warranted. The Department will hold a hearing if it determines there is a significant public interest in the draft permit
(WAC 173-220-090). Public notice regarding any hearing will be circulated at least thirty (30) days in advance of the hearing. People expressing an interest in this permit will be mailed an individual notice of hearing (WAC 173-220-100).

The Department will consider all comments received within thirty (30) days from the date of public notice of draft indicated above, in formulating a final determination to issue, revise, or deny the permit. The Department's response to all significant comments is available upon request and will be mailed directly to people expressing an interest in this permit.

Further information may be obtained from the Department by telephone, (425) 649-7276, or by writing to the address listed above.

This permit and fact sheet were written by Robert Wright.

APPENDIX B—DEFINITIONS

Best Management Practices (BMPs - general definition) means schedules of activities; prohibitions of practices; maintenance procedures; and other physical, structural, and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In this permit, BMPs are further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

Bypass means the diversion of waste streams from any portion of a treatment facility.

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

Combined Sewer means a sewer which has been designed to serve as a sanitary sewer and a storm sewer, and into which inflow is allowed by local ordinance.

Constructed Wetland means wetlands intentionally created, on-sites that are not natural wetlands, for the primary purpose of wastewater or stormwater treatment and managed as such. Constructed wetlands are normally considered as part of the stormwater collection and treatment system.

Construction Activity means clearing, grading, excavation, and any other activity which disturbs the surface of the land. Such activities may include road building; construction of residential houses, office buildings, or industrial buildings; and demolition activity.

Construction Dewatering means the act of pumping ground water or stormwater away from an active construction site.

Detention means the temporary storage of stormwater to improve quality and/or to reduce the mass flow rate of discharge.

Director means the Director of the Washington State Department of Ecology or his/her authorized representative.

Discharger means an owner or operator of any facility or activity subject to regulation under Chapter 90.48 RCW or the Federal Clean Water Act.

Domestic Wastewater means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration or surface waters as may be present.

Ecology means the Washington State Department of *Ecology*.

Equivalent BMPs means operational, source control, treatment, or innovative BMPs which result in equal or better quality of stormwater discharge to surface water or to ground water than BMPs selected from the *SWMM*.

Equivalent Stormwater Management Manual means a manual that has been deemed by Ecology as being equivalent to the *SWMM*.

Erosion means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Erosion and Sediment Control BMPs means BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, and sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

Erosion and Sediment Control Plan means a document which describes the potential for erosion and sedimentation problems, and explains and illustrates the measures which are to be taken to control those problems.

Final Stabilization means the completion of all soil disturbing activities at the site and the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) which will prevent erosion.

"*40 CFR*" means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

Ground Water means water in a saturated zone or stratum beneath the land surface or a surface water body.

Illicit Discharge means any discharge that is not composed entirely of stormwater except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.

Leachate means water or other liquid that has percolated through raw material, product or waste and contains substances in solution or suspension as a result of the contact with these materials.

Local Government means any county, city, or town having its own government for local affairs.

Municipality means a political unit such as a city, town or county; incorporated for local self-government.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of Ecology.

Permittee means MVA, Inc., the property owner.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure and container from which pollutants are or may be discharged to surface waters of the state. This term does not include return flows from irrigated agriculture. (See fact sheet for further explanation.)

Pollutant means the discharge of any of the following to waters of the state: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA, nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

Pollution means contamination or other alteration of the physical, chemical, or biological properties of waters of the state; including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

Process Wastewater means any water which, during manufacturing or processing, comes into direct contact or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Puget Sound Basin means the Puget Sound south of Admiralty Inlet (including Hood Canal and Saratoga Passage); the waters north to the Canadian border, including portions of the Strait of Georgia; the Strait of Juan de Fuca south of the Canadian border; and all the lands draining into these waters as mapped in Water Resources Inventory Areas numbers 1 through 19, set forth in WAC 173-500-040.

Sanitary Sewer means a sewer which is designed to convey domestic wastewater.

Sediment means the fragmented material that originates from the weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

Sedimentation means the depositing or formation of sediment.

SEPA (State Environmental Policy Act) means the Washington State Law, RCW 43.21C.020, intended to prevent or eliminate damage to the environment.

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant Amount means an amount of a pollutant in a discharge that is amenable to available and reasonable methods of prevention or treatment; or an amount of a pollutant that has a reasonable potential to cause a violation of surface or ground water quality or sediment management standards.

Significant Contributor of Pollutant(s) means a facility determined by Ecology to be a contributor of a significant amount(s) of a pollutant(s) to waters of the state of Washington.

Significant Materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

Site means the land or water area where any "facility or activity" is physically located or conducted.

Source Control BMPs means physical, structural or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

Stabilization means the application of appropriate BMPs to prevent the erosion of soils, such as temporary and permanent seeding, vegetative covers, mulching and matting, plastic covering and sodding. See also the definition of Erosion and Sediment Control BMPs.

Storm Sewer means a sewer that is designed to carry stormwater. Also called a storm drain.

Stormwater means rainfall and snow melt runoff.

Stormwater Drainage System means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate or divert stormwater.

Stormwater Management Manual for the Puget Sound Basin (SWMM) or Manual means the technical manual prepared by Ecology for use by local governments and published in 1992, or statewide revisions when they become available, that contain descriptions of and design criteria for BMPs to prevent, control, or treat pollutants in stormwater.

Stormwater Pollution Prevention Plan (SWPPP) means a documented plan to implement measures to identify, prevent, and control the contamination of point source discharges of stormwater.

Surface Waters of the State includes lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

Treatment BMPs means BMPs that are intended to remove pollutants from stormwater. A few examples of treatment BMPs are detention ponds, oil/water separators, biofiltration, and constructed wetlands.

USEPA means the United States Environmental Protection Agency.

Water Quality means the chemical, physical, and biological characteristics of water, usually with respect to its suitability for a particular purpose.

Waters of the State includes those waters as defined as "waters of the United States" in *40 CFR* Subpart 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter 90.48 RCW which include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

Acronyms

BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response Compensation & Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Control
FWPCA	Federal Water Pollution Control Act
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SWMM	*Stormwater Management Manual for the Puget Sound Basin*
SWPPP	Stormwater Pollution Prevention Plan
USC	United States Code
USEPA	United States Environmental Protection Agency
WAC	Washington Administrative Code
WQ	Water Quality